

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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DAYS INNS WORLDWIDE, INC., a  
Delaware Corporation,

Plaintiff,

v.

AMERICAN HOTELS, INC., an Illinois  
Corporation, and AZMATULLAH KHAN,  
an individual,

Defendants.

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Civil Action No. 08 C 1662

**NOTICE OF MOTION**

TO: See attached service list

PLEASE TAKE NOTICE that on September 11, 2008 at 9:00 a.m., we shall appear before the Honorable Judge Holderman, or any Judge sitting in his stead, in Room 2541 at 219 South Dearborn Street, Chicago, Illinois 60603, and then and there present **PLAINTIFF'S REQUEST FOR CLERK'S ENTRY OF DEFAULT OF DEFENDANTS AMERICAN HOTELS, INC. AND AZMATULLAH KHAN**, a copy which is attached hereto and served upon you.

COZEN O'CONNOR

By: s/ Bruce M. Lichtcsien  
Attorney for Plaintiffs

Bruce M. Lichtcsien  
ARDC# 6204943  
COZEN O'CONNOR  
222 S. Riverside Plaza  
Suite 1500  
Chicago, IL 60606  
Telephone: (312)-382-3100  
Fax: (312)-382-8910

**PROOF OF SERVICE**

The undersigned attorney certifies that the foregoing **PLAINTIFF'S REQUEST FOR CLERK'S ENTRY OF DEFAULT OF DEFENDANTS AMERICAN HOTELS, INC. AND AZMATULLAH KHAN** was served on defendants via certified mail and counsel of record by electronic filing this 25th day of August, 2008, and the same is available for viewing by downloading off of the Court's ECF system.

s/ Bruce M. Lichtsien

**SERVICE LIST**

American Hotels, Inc.  
c/o Azmatullah Khan, Registered Agent  
2622 W. Petersen Ave., Suite 6  
Chicago, IL 60659

Azmatullah Khan  
2622 W. Petersen Ave., Suite 6  
Chicago, IL 60659

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
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Civil Action No. 08 C 1662

**PLAINTIFF'S REQUEST FOR CLERK'S  
ENTRY OF DEFAULT OF DEFENDANTS  
AMERICAN HOTELS, INC. AND  
AZMATULLAH KHAN**

TO: Michael W. Dobbins  
Clerk of the United States District Court  
Northern District of Illinois, Eastern Division  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Days Inns Worldwide, Inc. respectfully requests that the Clerk of this Court enter a default against Defendants American Hotels, Inc. and Azmatullah Khan for failure to plead or otherwise defend the claims asserted by Plaintiff in a timely manner, as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

This request is based on the attached Affidavit of Bruce Lichtcsien, which shows:

1. Days Inns Worldwide, Inc. commenced this action on March 20, 2008, by filing its Verified Complaint with the Court.

2. Defendants American Hotels, Inc. and Azmatullah Khan were served with the Verified Complaint and Summons on May 16, 2008.

3. The Proof of Service Affidavits were filed with this Court on May 21, 2008, establishing that service was proper pursuant to Rule 4 of the Federal Rules of Civil Procedure.

4. Defendants American Hotels, Inc. and Azmatullah Khan failed to plead or otherwise respond to the Verified Complaint.

5. The applicable time limit for responding has expired.

6. Defendants American Hotels, Inc. and Azmatullah Khan are not infants or incompetent persons.

WHEREFORE, Days Inns Worldwide, Inc. respectfully requests that the Clerk of this Court enter a default against Defendants American Hotels, Inc. and Azmatullah Khan for failure to plead or otherwise defend the claims asserted by Plaintiff in a timely manner, as provided by Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: August 5, 2008

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Bruce M. Lichtcsien  
Bruce M. Lichtcsien  
222 South Riverside Plaza, Suite 1500  
Chicago, IL 60606  
(312) 382-3100  
blichtcsien@cozen.com

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**AFFIDAVIT OF BRUCE M. LICHTCSIEN**

The undersigned, Bruce M. Lichtcsien, declares and states as follows:

1. I am an attorney of law in the State of Illinois, and I am associated with the law firm of Cozen O'Connor, counsel for Days Inns Worldwide, Inc. ("DWI") in the above matter.

2. I make this affidavit based upon my personal knowledge and review of the relevant documents in support of DWI's request for the Entry of Default against Defendants American Hotels, Inc. and Azmatullah Khan pursuant to Fed.R.Civ.P. 55(a).

3. DWI commenced this action on March 20, 2008 by filing its Verified Complaint with the Court. *See* Complaint (Docket No. 1).

4. Defendants American Hotels, Inc. and Azmatullah Khan were each served with a copy of the Summons and Verified Complaint by personal service on May 16, 2008. *See* Returns of Service (Docket Nos. 7 and 8).

5. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), Defendants were required to answer or otherwise plead in response to the Verified Complaint within twenty (20) days after service. Defendants' answers were therefore due on or before June 5, 2008.

6. As of the date of this Affidavit, neither Defendant American Hotels, Inc. nor Defendant Azmatullah Khan has filed or served counsel for DWI with any answer or other responsive pleading in this matter, and there is no record in the Court file of any answer or other responsive pleading having been filed by either of these Defendants.

Accordingly, default should be entered against Defendants American Hotels, Inc. and Azmatullah Khan in accordance with Fed.R.Civ.P. 55(a).

I affirm under the penalties of perjury that the foregoing representations are true and correct.

Executed this 5<sup>th</sup> day of August, 2008.

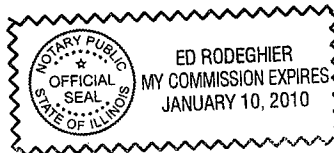
FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Bruce M. Lichtcsien

Subscribed and sworn to before me, a Notary Public, this 5<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Notary Public

My Commission expires: January 10, 2010



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**CLERK'S ENTRY OF DEFAULT**

This matter is before the Clerk of the Court on Plaintiff's Motion for Entry of Clerk's Default against Defendants American Hotels, Inc. and Azmatullah Khan, pursuant to Federal Rule of Civil Procedure 55(a). Defendants American Hotels, Inc. and Azmatullah Khan were named in this action by a Complaint filed March 20, 2008. As the record reflects, the Summons and Complaint were served on Defendants American Hotels, Inc. and Azmatullah Khan on May 16, 2008. Defendants American Hotels, Inc. and Azmatullah Khan have failed to file either answers or other responsive pleadings in the time required by law.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Entry of Clerk's Default against Defendants American Hotels, Inc. and Azmatullah Khan is GRANTED, and the default of these Defendants is hereby entered.

Entered this \_\_\_\_ day of August, 2008.